

## Message Text

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ORIGIN NEA-16

INFO OCT-01 ISO-00 DODE-00 L-03 PM-07 CIAE-00 INR-11

NSAE-00 RSC-01 EUR-25 AID-20 MC-02 IGA-02 TRSE-00

/088 R

DRAFTED BY DOD:COL.SKOGERBOE/R.KONAN:CFE/PM

APPROVED BY NEA/AFN:MWWILEY

NEA/AFN:DLMACK

L/PM:JMICHEL (DRAFT)

PM/SAS:DJAMES

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R 032138Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY TUNIS

INFO USCINCEUR

C O N F I D E N T I A L STATE 193010

E.O. 11652: GDS

TAGS:MASS, TS

SUBJECT: TUNISIAN ELIGIBILITY FOR MAP GRANT ASSISTANCE

REFS: A) STATE 177624; B) TUNIS 5216; C) STATE 180646

1. WE GREATLY APPRECIATE EMBASSY UNDERSTANDING OF NEED TO PROCEED IN SOLVING PROBLEMS OF END ITEM UTILIZATION AND DEBT INTEREST PAYMENT. ALTHOUGH WE CONSIDERED THESE TWO MOST DIFFICULT REQUIREMENTS IN REFTEL A, THIRD REQUIREMENT TO OBTAIN NEW MAP AGREEMENT ALSO ESSENTIAL.

2. UNDERSTAND EMBASSY RESERVATIONS CONCERNING NEED FOR NEW MAP AGREEMENT (REF B), BUT PROBLEM ARISES, AS EMBASSY NOTED, FROM LIMITED LANGUAGE OF 1968 AGREEMENT. ITS SECOND PARA REFERENCE TO SPECIFIC ITEMS TO BE PROVIDED THAT YEAR APPEARS TO LIMIT THAT PARAGRAPH'S COMMITMENTS TO THAT SPECIFIC EQUIPMENT, ALTHOUGH WE AND GOT OBVIOUSLY ASSUMED A BROADER APPLICATION. LEGAL INTERPRETATION IS  
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THAT FAA 505 REQUIRES WRITTEN COMMITMENT TO ITS TERMS

AND, WITHOUT HIGHLIGHTING OMISSIONS IN PAST, LEGAL PROBLEM  
COULD BE RESOLVED EITHER BY EXCHANGE OF NOTES, AS PROPOSED  
REF C, OR IF EMBASSY PREFERS, BY WRITTEN GOT ACKNOWLEDGE-  
MENT, BENNOUR'S LEVEL ACCEPTABLE, OF ITS ON-GOING  
COMMITMENT TO

505 (A) TERMS CONTAINED IN EARLIER AGREEMENTS. ADEQUATE  
GOT ACKNOWLEDGEMENT WOULD BE AS FOLLOWS:

QUOTE THE GOVERNMENT OF TUNISIA REAFFIRMS THAT THE  
PURPOSES, NON-TRANSFER AND SECURITY PROVISIONS OF THE  
5 NOVEMBER 1957 AGREEMENT BETWEEN OUR GOVERNMENTS, WHICH  
HAVE APPLIED TO MILITARY EQUIPMENT AND MATERIAL RECEIVED  
FROM THE UNITED STATES GOVERNMENT UP UNTIL NOW, SHALL  
CONTINUE TO APPLY TO ANY FUTURE GRANTS OF  
SUCH ITEMS. END QUOTE

3. AS NOTED, REF B, 1957 AGREEMENT REFERS TO SALES;  
HOWEVER, THE TERMS OF THE AGREEMENT WERE BROUGHT FORWARD  
IN SUBSEQUENT AGREEMENTS. AGREEMENT OF 1968 REAFFIRMS  
1957 AND 1967 AGREEMENTS, BUT DOES NOT INCLUDE WORD  
QUOTE HEREAFTER END QUOTE TO MAKE IT CLEARLY ON-GOING,  
WHICH LEADS TO PRESENT STATE OF AMBIGUITY.

4. TERMS OF AGREEMENTS CONSIDERED ON-GOING AND NOT  
REQUIRING REAFFIRMATION BY GOT AS FOLLOWS:

A. PART II OF NOVEMBER 28, 1967 AGREEMENT ADEQUATE TO  
SATISFY END ITEM UTILIZATION REPORTING REQUIREMENT OF  
505(A)(3).

B. AGREEMENTS OF 1971 AND 1974 SATISFY FAA 505 (A)(4)  
AND 505 (F) REQUIREMENTS RESPECTIVELY.

5. WE DEFER TO EMBASSY JUDGMENT ON CHOICE OF PROPOSED  
NOTES. IN EXPLAINING REQUEST FOR GOT AFFIRMATION OR  
ACKNOWLEDGEMENT OF GENERAL APPLICABILITY OF 1957 AGREE-  
MENT TO MAP, EMBASSY MAY WISH TO POINT OUT THAT SOLE USG  
PURPOSE IS TO SATISFY REQUIREMENTS IMPOSED  
BY CONGRESS WITH RESPECT TO ALL MAP PROGRAMS. GENERAL  
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AGREEMENTS ARE IN FORCE WITH ALL MAP RECIPIENTS; HOWEVER,  
TERMS OF EXISTING AGREEMENTS WITH TUNISIA HAVE BEEN FOUND  
NOT TO MEET FULLY THE APPLICABLE STATUTORY REQUIREMENTS.  
INGERSOLL

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## Message Attributes

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**TAGS:** MASS, TS  
**To:** TUNIS  
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